

**IN THE UNITED STATES  
DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA**

**UNITED STATES OF  
AMERICA,**

**V.**

**LAURA PHILLIPS,  
DEFENDANT.**

**CASE NUMBER**

**2:06-CR-23-WHA**

**MOTION TO SET ASIDE ORDER**

**COMES NOW** counsel for the Defendant and moves this Honorable Court to set aside its Order issued on Motion issued May 11, 2006 directing that the Defendant be taken into custody for the conduct of a mental evaluation. As grounds Defendant would show as follows:

1. Defendant's counsel filed a Motion for Court Ordered Mental Examination of Defendant and the Court issued its Order on Motion on May 11, 2006. The motion upon which this order was based requested a mental evaluation to include an evaluation of the Defendant's intelligence, ability to read and write the English language and her competency to assist her counsel. The Order directs that the Defendant be taken into custody and for this evaluation to be conducted over a forty-five day period; however, counsel's request was for funds with which to employ a Psychologist to conduct the requested test as a defense to the indicted charge in that a mental element is a part of the instant charge.

2. Counsel is now attempting to contact various Psychologists so that one of these professionals can be employed as an expert to conduct the aforesaid tests. Upon

obtaining the terms and conditions of employments, counsel will move this Honorable Court for an Order allowing for payment of expert witness fees and expenses to the selected Psychologist.

3. Ms. Phillips is indigent and is without funds with which to employ a Psychologist.

**WHEREFORE, THE PREMISES CONSIDERED**, defense counsel prays that this Court set aside its Order issued on Motion issued May 11, 2006 directing that the Defendant be taken into custody for the conduct of a mental evaluation.

**RESPECTFULLY SUBMITTED** this the 16th day of May, 2006.

/s/ Daniel G. Hamm

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## CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of this Motion to Set Aside Order by electronic transmission or by placing a copy in the United States Mail with sufficient postage for first class delivery to the attorneys named below or parties if not represented by counsel.

**DONE** this the 16th day of May, 2006.

**/s/ Daniel G. Hamm**

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